

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss.

SJC NO. _____

City of Cambridge,)
)
Petitioner-Appellant,)
)
v.)
)
)
Cambridge Electric and Light)
Company, d/b/a NSTAR Electric)
)
Respondent-Appellee.)
_____)

DEPARTMENT OF TRANSPORTATION AND ENERGY
04-65

PETITION FOR APPEAL

Pursuant to M.G.L. c. 25, §5 and 220 C.M.R. 1.04(b)(6), the City of Cambridge hereby submits this Petition for Appeal of the Letter Order, dated September 19, 2005, in the proceedings docketed by the Department of Transportation and Energy as City of Cambridge v. Cambridge Electric Light Company, d/b/a NSTAR Electric, D.T.E. 04-65, based upon the following:

1. M.G.L. c. 164 § 34A does not allow for the inclusion of removal costs in the determination of compensation to the electric company for its unamortized

investment, net of any salvage value obtained by the electric company under the circumstances.

2. M.G.L. c. 164 § 34A does not allow for compensation for removal costs or equipment that have been fully depreciated by the electric company.

3. The Department of Telecommunications and Energy failed to offset amounts for insurance recoveries, contractor reimbursements, and salvage values for certain years.

4. The Department of Telecommunications and Energy erred when it relied upon numbers "directly from [the Company's] accounting records," or balances that "represent the result of actual events, not projections or estimates," where the numbers and balances changed numerous times throughout the proceeding, and no actual accounting records were produced other than documents created by an individual who is not an expert in the field of accounting.

5. The Letter Order by the Department of Telecommunications and Energy, dated September 19, 2005, was based on error of law, unsupported by substantial evidence, arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

WHEREFORE, the City of Cambridge prays that the Court give independent consideration to the evidence offered before the Department of Transportation and Energy and to such other evidence as the Court may require or permit to be taken, annul, modify or set aside the order of the Department of Transportation and Energy and grant such other or further relief as may be proper.

Dated: October 12, 2005

CITY OF CAMBRIDGE
By its Attorney,

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